

TOWN COUNCIL MEETING

February 14, 2008

Minutes

BOARD OF LICENSE COMMISSIONERS

1. Call to Order 7:01 p.m. All Councilors were present with the exception of John Flynn who was excused due to illness.

2. Minutes

January 15

Voted 4-0 to accept the minutes from January 15 regular meeting, (KM – JJ).

3. Application for Victualling License

a. Lincoln Candy Company

Voted 4-0 to grant this victualling license pending receipt of documents, (RM – KM).

4. Application for Special Event License

a. Events at Twin River

Voted 4-0 to grant special events license for the following events: JAR Baker Supply Vendor Show on 3/3/08, Tribute to Tina Turner on

3/7/08, Food Trade Show on 3/11/08 and 3/12/08, Boxing on 3/14/08, Cheerleading Competition on 3/16/08, Tavares Concert on 3/22/08, and RI Association for the aging Trade Show on 3/28/08, (KM – RM).

TOWN COUNCIL

Call to Order 7:05 p.m.

Consent Agenda Voted 4-0 to accept the consent agenda as amended, (KM – JJ). The consent agenda consists of the following:

Minutes

- 1. November 19 – Work Session**
- 2. November 19 – Special Meeting**
- 3. November 20 – Regular Meeting**
- 4. November 29 – Special Meeting**
- 5. January 14 – Public Safety Committee**
- 6. January 14 – Work Session**
- 7. January 14 – Special Meeting**
- 8. January 15 – Ordinance Committee**
- 9. January 15 – Claims Committee**
- 10. January 15 – Purchasing Committee**
- 11. January 15 – Regular Meeting**

Consideration of Monthly Bills

- 1. Accounts Payable – Library: \$23,946.33**
- 2. Accounts Payable – Town: \$220,002.41**
- 3. Direct Pay – Town: \$1,030,959.17**

Communications

1. State Mandated Financial Reports

a. Town

b. School

c. Water Department

2. City of Newport

3. Town of Exeter

4. Secretary of State, A. Ralph Mollis

Reports

1. Town Administrator

Tax Abatements

A. \$5,006.82

Public Comment

James Spooner: Mr. Spooner feels ROW #17 should be a two-way road.

Rene Remillard: Mr. Remillard spoke about the appointments for the Juvenile Hearing Board. There are currently two alternates and one full-time members needed.

Minutes

February 5 – Public Safety Committee

Voted 4-0 to defer these minutes, (RM – JJ).

February 5 – Special Meeting

Voted 4-0 to defer these minutes, (JJ – KM).

Appointments

1. Sewer Appeals - District 1

Voted 4-0 to defer, (KM – JJ).

2. Conservation Commission – District 4

Voted 4-0 to defer, (JJ – KM).

3. Juvenile Hearing Board – Alternate

4. Juvenile Hearing Board – Alternate

Voted 4-0 to defer these appointments, (JJ – RM).

5. Housing Authority – District 1

Voted 4-0 to re-appoint Shilpa Naik, (KM – RM).

6. Planning Board – District 1

Voted 4-0 to defer, (KM – RM).

7. Planning Board – District 5

Voted 4-0 to re-appoint Michael Riley, (RM – KM).

Unfinished Business

1. Claims Committee Report

a. Joshua San Souci

Voted 4-0 to deny this claim, (RM – KM).

2. Ordinance Committee Report

a. Ordinance 07-19: Amendment to the Town of Lincoln Zoning Ordinance

Voted 4-0 to advertise for a public hearing on March 18, 2008 at 7:00, (KM – JJ).

b. Ordinance 07-20: Town Owned Vehicles

Deferred in committee

c. Ordinance 08-01: Road Excavation

Voted 4-0 by roll call to approve Ordinance 08-01, (KM – RM).

Ordinance 08-01

An Ordinance Amending § 220-4 of the Lincoln Town Code

The Town Council of the Town of Lincoln hereby ordains as follows:

§ 220-4 of the Lincoln Town Code is hereby amended by adding the following:

§ 220-4. Excavations.

Every person, firm, business or utility desiring to dig up any part of any street or highway in the Town to lay or connect any type of pipe, electronic device or for any purpose whatsoever, shall first obtain permission from the Town Engineer. Every person, firm, business or utility digging or making any excavation in any street or highway of the Town, or who shall cause the same to be done, shall fill up the same as soon as possible thereafter and shall leave such street or highway in as good condition as before the commencement of work. This shall mean the street or highway shall be repaved across the entire right-of-way from curb to curb over the excavated area and left in a condition satisfactory to and approved by the Town Engineer. In case such highway or street is not left in a manner satisfactory to and approved by the Town Engineer, the Town Engineer shall cause the same to be properly done and the expense thereof shall be charged to and paid by the person, firm, business or utility digging up such

street or highway or making excavation therein.

Any person, firm, business or utility authorized and permitted to perform the digging up or any other type of construction in or on the any street or highway shall first obtain and furnish to the Town a bond with surety or sureties in an amount sufficient to satisfy the Town Engineer and the Director of the Finance Department, guaranteeing full performance by the permittee/applicant. No work shall commence unless and until said bond is furnished and approved by the Town Engineer and the Director of the Department of Finance.

This Ordinance shall take effect upon passage.

d. Ordinance 08-02: Special Event License Amendment

Voted 4-0 by roll call to approve Ordinance 08-02, (KM – JJ).

Ordinance 08-02

The Town Council of The Town of Lincoln Hereby Ordains:

That ARTICLE III of Chapter 117 (Fees) shall be amended as follows:

117-6 Fees for Licenses

G. License Fees required per event

(1) Special event entertainment license in addition to other applicable fees.

(a) Special events further described as, but not limited to, a concert, fair, circus, carnival, or sporting event, where attendance is expected to exceed 200: \$150. (b) Nonprofit and tax exempt organizations shall be exempt from these fees.

This Ordinance shall take effect upon passage.

e. Ordinance 08-03: 403B

Voted 4-o to approve Ordinance 08-03 as amended, (KM – RM).

Ordinance 08-03

The Town Council of The Town of Lincoln Hereby Ordains:

Related to: C17-6 Retirement of Municipal Employees

(1) Non-union Classified Employees, and full time Elected Officials, entitled to benefits under C17-6, employed, or elected, after July 1, 2008, will be exclusively afforded a Deferred Compensation Plan

(403B) or its equivalent.

(a) The Town of Lincoln will make annual matching contributions up to a maximum of eight percent (8%) of the employee's annual salary, providing the employee, as defined in section (1), elects to enroll and make contributions to the plan.. These employer contributions will be posted quarterly, in conjunction with the town's fiscal calendar. Employee contributions will be deducted from weekly salary compensation in schedule with payroll.

This Ordinance shall take effect upon passage.

Resolutions

a. Resolution 07-48: FTM Quorum

b. Resolution 08-01: TDI Benefits Rescue

Both Resolutions were deferred in

Committee.

3. Public Safety Committee Report

4. Purchasing Committee Report

a. Tax Sale Attorney

Voted 4-0 to award the bid for Tax Sale Attorney to Joseph a Montalbano for a three year agreement, in the amount of \$125.00 per lot and plat inclusive and \$50.00 per deed, at the recommendation of the Finance Director, (JJ – KM).

b. Site Feasibility Study

Voted 4-0 to award this bid to Casali & D'Amico Engineering, Inc in the amount of \$24,000.00 at the recommendation of the Finance Director, (JJ – KM).

c. Renovation to Lonsdale Park and Lonsdale Elementary School

Voted 4-0 to award this bid to Lucena Brothers in the amount of \$867,000.00 + 20,900.00 (Alternate #4) at the recommendation of the Finance Director, (JJ – KM).

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5. Capital Improvement Committee Report

Town Administrator Almond will have a draft next month for a twenty year facility report.

6. Postage for Special Election discussion and/or action

No discussion or action.

New Business

1. Resolution introduction for referral to Committee

a. Resolution 08-03: Cancellation of Certain Taxes

Voted 4-0 to refer Resolution 08-03 to the Ordinance Committee, (KM – JJ).

b. Resolution 08-04: Release of Funds for Lonsdale/ Manville Park

Voted 4-0 to approve Resolution 08-04, (RM –

KM).

Resolution 08-04

R E S O L U T I O N

WHEREAS, On July 17, 2007 the Town Council passed Resolution 07-31 authorizing the transfer of funds to upgrade the school and park facilities at the site of Lonsdale Elementary School and Lonsdale Park. This approval was contingent upon reserving adequate funds to provide for proposed upgrades for Manville Memorial Park.

WHEREAS, On January 30, 08 the Town of Lincoln received bids to perform work necessary to upgrade the Lonsdale facilities as proposed. The lowest bid was received at \$887,900.00 with additional quotes of \$154,000.00 to install a new facility to house restrooms and a concession stand. Requiring a total expenditure of \$1,041,900.00 to complete the Lonsdale School/Park as proposed.

WHEREAS, The Town Council has approved funding to date of \$857,283.88 from the Lincoln Park Fields reserve account, \$267,800.00 from resolution 07-31. Additional grant and donated reserve funds of \$35,000.00 for the installation of a new playground at Manville Park provides a total of \$1,160,083.88 of which \$1,041,900.00 is required to upgrade Lonsdale Park.

WHEREAS, A total expenditure of \$1,500,000.00 will be required to complete the proposed upgrades of both Lonsdale School/Park and

Manville Parks.

NOW THEREFORE BE IT RESOLVED, The Town Administrator is requesting permission to increase funding for the park upgrades by the amount of \$400,000.00 providing a total fund balance of \$1,560,083.88. This balance represents a donated share of \$892,283.88.

RESOLVED, The Town Council authorizes the Town Administrator to expend equal amounts of \$200,000.00 from the Open Space/Maintenance and Capital Improvement reserve accounts respectively for a total of \$400,000.00 in furtherance of upgrades to Lonsdale School/Park and Manville Park.

Adopted this 14th day of February 2008

Submitted by Town Administrator T. Joseph Almond

ATTEST: Karen D. Allen

Town Clerk

c. Resolution 08-05: Habitat for Humanity

Voted 4-0 to refer Resolution 08-05 to the Ordinance Committee, (KM – RM).

Earl Marsh from Habitat for Humanity made a presentation to the Council.

5. Solicitor's Report

Opinion regarding Cobble Hill Road retaining wall

Solicitor DeSisto reported he feels the retaining wall is a public safety hazard and should be repaired by the Town. The Administrator will solicit bids for the work.

6. Carter Section C17-18 Review of Charter: Discussion and/or action

Voted 4-0 to defer, (KM – JJ).

7. Hours expansion discussion Twin River

Council President O'Grady updated the Council on pending legislation in the General Assembly regarding increase of hours at Twin River. Several proposals have been submitted, no hearing are scheduled at this time.

Communications

Norman Lepore

Voted 4-0 to accept this communication, (JJ – KM). Mr. Lepore is asking the Town to preserve his farm. The Administrator reports this is being considered.

Adjourn 8:11 p.m.

Karen D. Allen

Town Clerk